

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**CYNTHIA DIXON, individually, and on behalf)
of all others similarly situated,)**

Plaintiff,

v.

**THE WASHINGTON & JANE SMITH HOME,)
et al.,)**

Defendants.)

Case No. 1:17-cv-08033

Hon. Matthew F. Kennelly

**JOINT MOTION FOR EXTENSION OF TIME TO FILE PLAINTIFF’S UNOPPOSED
MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiff Cynthia Dixon and Defendants the Washington & Jane Smith Home, d/b/a Smith Senior Living, Washington & Jane Smith Community – Chicago, Washington & Jane Smith Community – Beverly, d/b/a Smith Village, Washington & Jane Smith Community – Orland Park, d/b/a Smith Crossing, Smith Cares, LLC, Kevin McGee, and Marti Jatis (collectively referred to herein as “Smith”) and Kronos, Inc. (“Kronos”) (Smith and Kronos are collectively referred to herein as “Defendants”), by and through counsel, respectfully move this Court for a seven (7) day extension of time to file Plaintiff’s Unopposed Motion for Preliminary Approval of Class Action Settlement. In support thereof, the Parties state as follows:

1. Plaintiff filed her Class Action Complaint in the Circuit Court of Cook County on September 28, 2017, asserting class claims under the Illinois Biometric Information Privacy Act (“BIPA”), 740 ILCS 14/1, *et seq.*, common law negligence, and individual wage and retaliation claims against Smith, Kevin McGee, and Marti Jatis. On November 6, 2017, Kronos removed this action to the United States District Court for the Northern District of Illinois.

2. On December 19, 2018, counsel for all parties participated in an all-day mediation at JAMS in Chicago, Illinois, with Judge Stuart Palmer (Ret.). The Parties continued to have settlement discussions through Judge Palmer, culminating in another partial-day mediation session at JAMS on March 7, 2019. After these negotiations, the Parties were able to reach an agreement in principle to resolve the case, which was memorialized in a Memorandum of Understanding on March 7, 2019.

3. On March 13, 2019, the Court entered an Order directing the Parties to file a preliminary approval motion on April 30, 2019. [D.E. 75].

4. Plaintiff provided her draft Settlement Agreement and Class Notice to all Defendants on April 5, 2019. *See* Exhibit 1.

5. Plaintiff provided her draft Motion for Preliminary Approval and Preliminary Approval Order to all Defendants on April 18, 2019. *See* Exhibit 2.

6. Plaintiff received Defendants' joint revisions to the Settlement Agreement and Class Notice on April 29, 2019. *See* Exhibit 3.

7. The Parties have since worked diligently to finalize the Settlement Agreement and Class Notice but have been unable to complete the Agreement and obtain signatures. Accordingly, the Parties likewise have been unable to finalize the Motion for Preliminary Approval.

WHEREFORE, the Parties respectfully request a seven (7) day extension of time to file Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement.

Date: April 30, 2019

Respectfully Submitted,

/s/ Haley R. Jenkins

Ryan F. Stephan
Haley R. Jenkins
STEPHAN ZOURAS, LLP
100 N. Riverside Plaza
Suite 2150
Chicago, Illinois 60606
312.233.1550
312.233.1560 f
rstephan@stephanzouras.com
hjenkins@stephanzouras.com

**COUNSEL FOR PLAINTIFF
AND THE PUTATIVE CLASS**

/s/ Jamie L. Filipovic

Kevin M. O'Hagan
Jamie L. Filipovic
Collin Woodward
O'HAGAN MEYER, LLC
One East Wacker Drive
Suite 3400
Chicago, Illinois 60601
312.422.6100
312.422.6110 f
kohagan@ohaganmeyer.com
jfilipovic@ohaganmeyer.com
cwoodward@ohaganmeyer.com

**COUNSEL FOR THE SMITH
DEFENDANTS**

/s/ Joseph A. Strubbe

Joseph A. Strubbe
Frederic T. Knape
Zachary J. Watters
VEDDER PRICE P.C.
222 N. LaSalle Street
Chicago, Illinois 60601
312.609.7500
jstrubbe@vedderprice.com
fknape@vedderprice.com
zwatters@vedderprice.com

COUNSEL FOR KRONOS

CERTIFICATE OF SERVICE

I, the attorney, hereby certify that on April 30, 2019, I electronically filed the attached with the Clerk of the Court using the ECF system which will send such filing to all attorneys of record.

/s/ Haley R. Jenkins